IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4172 of 2006()

CRA.125/2001 of ADDL.SESSIONS COURT (ADHOC)-III, THALASSERY
CC.1131/1996 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I, KANNUR

REVN. PETITIONERS: APPELLANTS/ACCUSED:
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1. EDAKKAD PREMARAJAN,
   EDITOR, DESHAMITHRAM, EVENING DAILY,
   P.B.NO.96, KANNUR-1.

2. DESHAMITHRAM PRINTING AND
   PUBLISHING CO-OP. SOCIETY LTD., P.B.NO.96,
   KANNUR-1.

BY ADV. SMT.DAISY THAMPI
SRI.HARIDAS THAIKKANDY

RESPONDENTS: RESPONDENTS/COMPLAINANT:
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1. K.V. PRABHAKARAN, S/O. ACHUTHAN,
   RESIDING AT RANJANA NIVAS, THAZHAE CHOVVA,
   KANNUR-6.

2. STATE REP. BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

PUBLIC PROSECUTOR SRI.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

CRL.R.P.NO. 4172 OF 2006

Dated this the 30th day of November,2006

O R D E R

The petitioners herein were convicted for the offence under Section 138 of the Negotiable Instruments Act in C.C.No.1131 of 1996, on the file of the Court of the Judicial Magistrate of the First Class I, Kannur. The first petitioner/first accused was sentenced to undergo simple imprisonment for three months and was directed to pay a sum of Rs.50,000/- as compensation to the complainant under Section 357(3) of the Code of Criminal Procedure. The second petitioner/second accused, being a society, it was sentenced to pay a fine of Rs.5,000/-. The petitioners challenged the conviction and sentence in Crl.A.No.125 of 2001, on the file of the Court of Session, Thalassery. The Appellate Court confirmed the conviction. However, the sentence imposed by the trial court on

the first accused was reduced as imprisonment till rising of the Court. The sentence as against the second accused was confirmed. The direction to pay the compensation of Rs.50,000/- was confirmed and the Appellate Court directed that the first accused shall undergo simple imprisonment for three months, in default of payment of compensation.

2. The learned counsel for the petitioners submitted that the only prayer made by the petitioners is that a reasonable time may be granted for payment of the compensation amount of Rs.50,000/-. It is submitted that the society is facing financial crisis. In the facts and circumstances of the case, I am inclined to grant three months' time to the first accused to pay Rs.50,000/- as compensation.

In the result, the Criminal Revision Petition is dismissed confirming the conviction and sentence

as imposed by the Appellate Court. However, the first petitioner/first accused is granted three months' time to pay the compensation amount of Rs.50,000/-. So also, two weeks' time is granted to the second accused to pay the fine of Rs.5,000/-. The default sentence as against the first accused shall be kept in abeyance for three months and that against the second accused shall be kept in abeyance for two weeks.

(K.T.SANKARAN)
Judge

ahz/

K.T.SANKARAN, J.

CRL.M.C.NO. OF

O R D E R

September, 2006